

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4078 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

LILABHAI B DESAI

Versus

ADDL DEVELOPMENT COMMISSIONER

Appearance:

MR NK MAJMUDAR for Petitioner

MR DN PATEL, AGP for Respondent No. 1 and 2.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 31/08/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. D.N. Patel, Ld. AGP for the respondents.

2. The petitioner, the Sarpanch of Bareja Gram Panchayat came to be suspended by the District Development Officer u/S. 59(1) of the Gujarat Panchayat Act, 1993. The said order dated 13/5/1998 was subjected to challenge in an appeal before the Addl. Development Commissioner on 15/5/1998. The said appeal came to be admitted but interim relief against the suspension was

not granted. That is how the petitioner is before this Court.

3. Mr. D.N. Patel, Ld. AGP for the respondents submitted that the interim relief which has been granted in this petition might be continued while disposing of the petition and directing the Addl. Development Commissioner to dispose of the appeal within a period of three months.

4. Heard the learned advocate for the petitioner. I do not see any reason why the suggestion made by the Ld. AGP be not accepted. Hence, following order is passed :-

The appeal which is pending before the Addl. Development Commissioner shall be heard and decided in accordance with law as expeditiously as possible, preferably within a period of three months from today. The ad-interim relief which has been granted in this petition shall continue so as to cover the period during which the appeal remains pending before the Addl. Development Commissioner. In case the appeal is decided against the petitioner, the interim relief which has been granted in this petition shall stand extended for a further period of one week from the date on which the decision of the Addl. Development Commissioner is communicated to the petitioner. With this direction this petition is disposed of.

Rule is discharged in the aforesaid terms with no order as to cost.

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PVR